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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,775	05/26/2006	John B. Davidson	742/295	7129
757 7590 09/13/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER THOMAS, DAVID B	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/580,775

Applicant(s)

DAVIDSON, JOHN B.

Examiner

David B. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-5, 7-10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by White (3,575,069).

White discloses the structural elements as claimed.

3. Claims 1-5, 7-10, 12, 16, 18, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Blank (4,054,067).

Blank discloses the structural elements as claimed.

4. Claims 1-5, 7-10, 12, 16, 18, 19, 23, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (US 2003/0131692 A1).

Huang discloses the structural elements as claimed

5. Claims 1-5, 7-10, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by the prior art of Fig. 1, as referenced in Shu-Sui et al. (7,082,860).

The prior art Fig. 1 in Shu-Sui et al. discloses the structural elements as claimed.

6. Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Garrett (5,152,196).

### ***Claim Rejections - 35 USC § 103***

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, as applied to claims 1-5, 7-10, and 14 above, as being obvious to one having ordinary skill in the art to select a particular material, or materials, in the construction of the

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wrench.

8. Claims 13, 17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blank or Huang, as applied above, respectively, as being obvious to one having ordinary skill in the art to select a particular material, or materials, in the construction of the wrench.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, Blank, or Huang, as applied above, respectively, as being obvious in view of Myers (3,823,625) to use an inwardly facing abutment surface instead of an outwardly facing one, the mere reversal of parts having been held to involve only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, as applied to claims 1-5, 7-10, and 14 above, as being obvious in view of Matsubara et al. (5,596,913) to use non-toothed ratchets such as rollers or other types of ratcheting mechanisms.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blank or Huang, as applied above, respectively, as being obvious in view of Matsubara et al. to use non-toothed ratchets such as rollers or other types of ratcheting mechanisms.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, as applied above, as being obvious in view of Roberts et al. (6,182,536) or Chiu (US 2003/0121371 A1) to provide a quick release mechanism for the drive stud of the wrench.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blank or

Huang, as applied above, respectively, as being obvious in view of Roberts et al. or Chiu to provide a quick release mechanism for the drive stud of the wrench.

### ***Response to Arguments***

14. Applicant's arguments filed 11 July 2007 have been fully considered but they are not persuasive.

15. The examiner respectfully contends that each of the references relied upon above, respectively; include a "one-way drive transmitting wheel" and a "drive-stud element". To one having ordinary skill in the art, the art of record speaks for itself and requires no further explanation from the examiner.

16. The applicant's arguments with respect to the rejection(s) of claim(s) 29 and 30 under 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been made in view of Garrett as presented above.

### ***Conclusion***

17. The prior art made of record but not relied upon, at this time, is considered pertinent to applicant's disclosure. Knapp et al. ('474), and Fish ('855) disclose a ratchet wrench having, *inter alia*, a head with a one-way drive transmitting wheel for coupling with a drive-stud element or fastener, a first face comprising a load-bearing surface extending at least partly around the axis and the one-way drive transmitting wheel extending farther than the load-bearing surface, and the head having a non-rotating centering element engaging the load bearing surface and positioned to resist movement of the one-way drive transmitting wheel and shaped to expose a drive recess. Lewis

('757) discloses a drive-stud element comprising a drive stud at a first end and a drive recess at a second end. The drive-stud element of Lewis is fully capable of being used in combination with the wrenches of Knapp et al. and Fish, or another similar wrench.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner's e-mail address is: [dave.thomas@uspto.gov](mailto:dave.thomas@uspto.gov). The examiner can normally be reached on Mon-Fri 8am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DAVID B. THOMAS/  
Primary Examiner  
Art Unit 3723

dbt